



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)

Eric J. Holcomb  
Governor

Bruno Pigott  
Commissioner

VIA ELECTRONIC MAIL

February 17, 2017

Mr. C. Brent Boyle  
Triad Mining, Inc.  
1216 E. County Road 900 S.  
Oakland City, Indiana 47660

Dear Mr. Boyle:

Re: Modification Request for  
NPDES General Permit No. ING040189  
IDNR Permit No. S-0344  
Triad Mining, Inc. - Hurricane Creek Mine  
Rural Route 1, south of Patoka River  
and east of N. County Road 1150 E.  
North of Oakland City, Indiana  
Gibson County

Your NPDES permit Notice of Intent letter received on December 22, 2016, requesting modification of the above-referenced general permit coverage, has been reviewed. The materials request the following changes to your coverage:

Existing **outfall 002** (latitude 38° 21' 47", longitude -87° 20' 19", discharging to an unnamed tributary to South Fork) is to be dropped from coverage; and

Existing **outfalls 001** (latitude 38° 22' 25", longitude -87° 20' 15", discharging to an unnamed tributary to Hurricane Creek), and **004** (latitude 38° 22' 34", longitude -87° 20' 35", discharging to an unnamed tributary to South Fork) are to be **changed to Post Mining mine drainage status.**

We have reviewed the NOI and have determined that the mining activities associated with the requests are not the result of any new or expanded permitted mining operations. Mining activity is a process of sequential coal removal and reclamation and as mining progresses and reclamation follows these activities will not result in any anticipated discharges to a receiving stream. We have determined that there will not be a new or increased loading of pollutants into the receiving stream(s), therefore the approval of this modification of coverage is in compliance with the antidegradation standards at 327 IAC 2-1.3.

The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. We have been in contact with representatives of the IDNR in Jasonville, Indiana who have confirmed the in the NOI that mining and reclamation activities are complete above the sediment basins of Outfall 001 and Outfall 004, and that the areas have been seeded and are stable. They have further confirmed that the areas above Outfall 002 are stable and in a permanent grass cover or are being farmed with standard conservation practices for the past two years. They concur, as does our office, that these requests may therefore be granted. Coverage for the facility will now include all outfalls listed on the first table of Attachment 1 to this correspondence.



A State that Works

Mr. C. Brent Boyle  
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The NPDES general permit coverage number assigned to this facility in the previous approval will continue to apply. Reporting is to be done using the federal Discharge Monitoring Report (DMR) form and the state Monthly Monitoring Report (MMR) form. The MMR form can be found on the internet at <http://www.in.gov/idem/cleanwater/2396.htm>. Both the state and federal forms need to be completed and submitted on a routine basis. Please note that IDEM will no longer accept paper DMR or MMR forms. All NPDES permit holders are required to submit their monitoring data to IDEM using NetDMR. Please contact Helen Demmings at (317) 232-8815 if you would like more information on NetDMR. Information is also available on our website at <http://IN.gov/idem/cleanwater/2422.htm>

This modification shall be deemed effective on **February 1, 2017**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on **August 31, 2017**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that IDEM shall serve notice of its decision to accept your facility for coverage under the general permit in accordance with the requirements of 327 IAC 5-3-14. It should also be noted that any appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5, and the enclosed Public Notice. The appeal must be initiated by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the emailing of an electronic copy of this letter or within eighteen (18) days of the mailing of this letter. A copy must also be served upon IDEM. Addresses are:

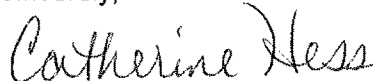
Director  
Office of Environmental Adjudication  
Indiana Government Center North  
Room 501  
100 North Senate Avenue  
Indianapolis, IN 46204

Commissioner  
Indiana Department of Environmental Management  
Indiana Government Center North  
Room 1301  
100 North Senate Avenue  
Indianapolis, IN 46204

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief  
Permits Administration Section  
Office of Water Quality

Sij/

Attachment

CC: Gibson County Health Department  
D. Edward Brown, Triad Mining, LLC  
IDNR, Division of Reclamation

## ATTACHMENT 1

## Triad Mining, Inc. - Hurricane Creek Mine

NPDES PERMIT NO. ING040189IDNR PERMIT NO. S-0344

EFFECTIVE DATE: February 1, 2017

## OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
<u>001*</u>	S-344 SP01	38°, 22', 25"	-87°, 20', 15"	<u>Post-Mining</u>	Unnamed tributary to Hurricane Creek
<u>004</u>	S-344 SP04	38°, 22', 34"	-87°, 20', 35"	<u>Post-Mining</u>	Unnamed tributary to South Fork

\* Denotes an outfall whose coordinates were changed to reflect its actual constructed location

\*\* Denotes an unconstructed outfall

The following outfalls have been removed from coverage:

<u>002*</u>	S-344 SP02	38°, 21', 47"	-87°, 20', 19"	<u>Fully Reclaimed</u>	Unnamed tributary to South Fork
003	S-344 SP03	38°, 22', 01"	-87°, 21', 05"	Fully reclaimed	Hurricane Creek
005**	S-344 SP05	38°, 22', 44"	-87°, 21', 08"	Never Constructed	Unnamed tributary to South Fork
006**	S-344 SP06	38°, 22', 03"	-87°, 20', 48"	Never Constructed	Unnamed tributary to Hurricane Creek
007**	S-344 SP07	38°, 22', 15"	-87°, 20', 05"	Never Constructed	Unnamed tributary to South Fork
008	S-344 SP08	38°, 21', 55"	-87°, 20', 49"	Fully reclaimed	Unnamed tributary to Hurricane Creek

**STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**PUBLIC NOTICE NO. 2017 – 2D -GP**

**DATE OF NOTICE: February 17, 2017**

The Office of Water Quality approves the following for NPDES GENERAL PERMIT coverage.

**MODIFICATION**

**TRIAD MINING – HURRICANE CREEK MINE**, Permit No. ING040189, GIBSON COUNTY, Oakland City, IN. This modification is being issued because the facility is deleting 1 outfall and changing mine drainage status on 2 outfalls. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

**Notice of Right to Administrative Review**

If you wish to challenge this permit, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA), and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director  
Office of Environmental Adjudication  
Indiana Government Center North  
Room 501  
100 North Senate Avenue  
Indianapolis, Indiana 46204

Commissioner  
Indiana Department of Environmental Management  
Indiana Government Center North  
Room 1301  
100 North Senate Avenue  
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
  - a. a person to whom the order is directed;
  - b. aggrieved or adversely affected by the permit; or
  - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

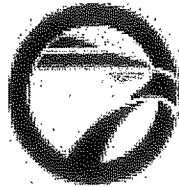
Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the permit. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If you seek to have a permit stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above.

If you have procedural or scheduling questions regarding your Petition for Administrative Review you may contact the Office of Environmental Adjudication at (317) 232-8591 or see OEA's website at <http://www.in.gov/oea>.



**TRIAD**  
MINING, LLC

INDIAN  
OFFICE OF  
WATER QUALITY

Indiana Department of  
Environmental Management  
Office of Water Quality – Mail Code 65-42  
NPDES Permits Section  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

2016 DEC 22 December 13, 2016

ATTN: Ms. Sheri Jordon

RE: Hurricane Creek Mine, #S-344  
Modification of NPDES Permit No. ING040189

Dear Ms. Jordon,

Please be advised that Triad Mining, LLC, is submitting a Notice of Intent (NOI) letter to comply with 327 IAC 15-7, for Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities.

This NOI requests a modification of Permit ING040189. The following are the proposed modifications for your review:

1. Email information for D. Edward Brown has been changed to our new email addresses, [ebrown@blackhawkmining.com](mailto:ebrown@blackhawkmining.com).
2. Proposed deletion of outfall 002 and status change of 001 and 004 to post mine status.

If you need any additional information concerning this matter, please contact me via email or at the telephone number listed below.

Sincerely,

C. Brent Boyle  
Triad Mining, LLC.

Attach

Cc: file

Ms. Jamie Brown, IDNR, Division of Reclamation



Indiana Department of Environmental Management  
 NPDES General Permit Notice of Intent (NOI) Letter Submittal Application  
 327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

I. PURPOSE OF SUBMITTAL:				
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		<b>XX</b>	<b>ING040189</b>	<b>Deleting outfall 002 and the drainage status of outfall 001 and 004.</b>

II. GENERAL INFORMATION										
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.										
a. APPLICANT NAME (TO THE ATTENTION OF)				e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR FACILITY NUMBER		
Triad Mining, LLC - Attn. C. Brent Boyle				1221		Gibson		#S-344		
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS				h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER						
COMPANY NAME Triad Mining, LLC				Latitude			Longitude			
STREET ADDRESS 1216 E County Road 900 S				degree N38	minute 21	second 57	degree W87	minute 20	Second 52	
CITY Oakland City		STATE IN	ZIP CODE 47660							
c. FACILITY NAME				i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION						
Hurricane Creek Mine				Township		Range		Section		Quartersection
				2 South 1 South		8 West 8 West		5,6,7 & 8 31		
d. FACILITY MAILING ADDRESS				j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM Iid						
STREET ADDRESS 1216 E County Road 900 S.				STREET ADDRESS 12478 East 75 North						
CITY Oakland City		STATE IN	ZIP CODE 47660	CITY Oakland City		STATE IN		ZIP CODE 47660		

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
This section applies to the responsible corporate officer and/or alternate person who is authorized to be responsible for all signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
C. Brent Boyle Reclamation Engineer	D. Edward Brown, VP of Technical Services
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
812-721-1299 Ext. 33	859-543-0515 Ext. 505
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
bboyle@blackhawkmining.com	ebrown@blackhawkmining.com

2 of 4

**IV. CONTACT INFORMATION OTHER:**

<b>DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION</b>		c. <u>CONTACT AND COMPANY NAME</u> C. Brent Boyle, Triad Mining, LLC	
a. <u>CONTACT TELEPHONE NUMBER</u> 812-721-1299 Ext. 33		d. <u>STREET ADDRESS</u> 1216 E. County Road 900 S.	
b. <u>CONTACT EMAIL ADDRESS</u> bboyle@blackhawkmining.com		e. <u>CITY</u> Oakland City	f. <u>STATE</u> Indiana
		g. <u>ZIP CODE</u> 47660	
<b>ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS</b>		i. <u>COMPANY AND CONTACT PERSON NAME</u> D. Edward Brown, Triad Mining, LLC	
h. <u>CONTACT TELEPHONE NUMBER</u> 812-328-2117, Ext 30		k. <u>STREET ADDRESS</u> 3228 Summit Square Place, Suite 180	
i. <u>CONTACT EMAIL ADDRESS</u> tsutton@blackhawkmining.com		l. <u>CITY</u> Lexington	m. <u>STATE</u> Kentucky
		n. <u>ZIP CODE</u> 40509	
<b>OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)</b>		q. <u>COMPANY AND CONTACT PERSON NAME</u>	
o. <u>CONTACT TELEPHONE NUMBER</u>		r. <u>STREET ADDRESS</u>	
p. <u>CONTACT EMAIL ADDRESS</u>		s. <u>CITY</u>	t. <u>STATE</u>
		u. <u>ZIP CODE</u>	

**V. RULE QUALIFICATION:**

The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.

Does this facility meet these requirements? (please check one) YES X NO

Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.

The Hurricane Creek mining complex is a surface mining facility. Wastewater discharge associated with the mining of coal, coal processing and/or reclamation activities will occur.

**VI. OUTFALL INFORMATION:** Please fill out the following information FOR ALL OUTFALLS

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER AND WATER IF DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
001*	SP01	N 38	22	25	W 87	20	15	0.00	Active, Alkal	Y / N	UNT HURRICANE CREEK
002**	SP02	N 38	21	47	W 87	20	19	0.00	Active, Alkal	Y / N	UNT S. FORK
004*	SP04	N 38	22	34	W 87	20	35	0.00	Active, Alkal	Y / N	UNT S. FORK

\* - Outfall Mine Drainage Status changed to POSTMINE.

\*\* - Delete.



**VII. OUTFALL INFORMATION FOR MODIFICATIONS:** Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. ITEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE. EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.
002	SP02	DELETE	01/01/17	<u>Mining and reclamation activities are complete above this outfall. Areas are stable and are in a permanent grass cover or are being farmed with standard conservation practices for at least the last two (2) years.</u>
001	SP01	Change to POSTMINE Status	01/01/17	<u>Change drainage status to Postmine Status. Mining and reclamation activities are complete above this outfall. This area has been seeded and stable and is in a permanent grass cover or is being farmed with standard conservation practices.</u>
004	SP04	Change to POSTMINE Status	01/01/17	<u>Change drainage status to Postmine Status. Mining and reclamation activities are complete above this outfall. This area has been seeded and stable and is in a permanent grass cover or is being farmed with standard conservation practices.</u>

**VIII. TOPOGRAPHICAL MAP**

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

**See Attached.**

**IX. PROOF OF PUBLICATION**

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:  
 Office of Environmental Adjudication  
 Indiana Government Center – North  
 100 North Senate Avenue, Room N501  
 Indianapolis, Indiana 46204

**Not Applicable.**

**X. POTENTIALLY AFFECTED PERSONS FORM**

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached. **No New Parties**

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**XI. REQUIRED FEES:**

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50.00, attach to and submit with application.  
Checks or money orders shall be made payable to IDEM.

**XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES**

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: Ms. Jamie Brown, December 19, 2016

**XIII. CERTIFICATION STATEMENT**

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

C. Brent Boyle, Reclamation Engineer

812-721-1299 Ext. 33

Name and official title (type or print)

Area Code and phone No.

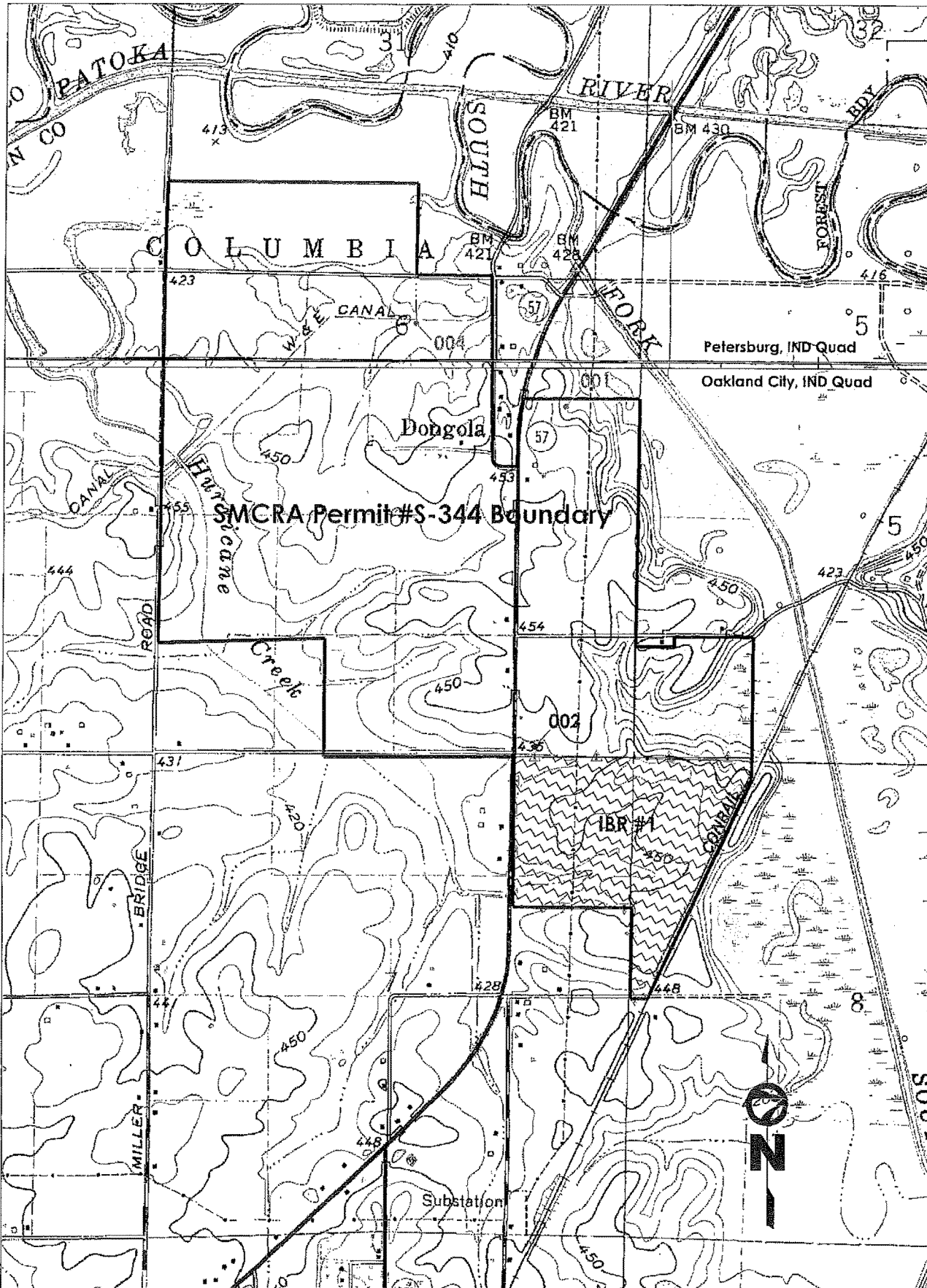
Signature

12-19-16

Date signed

Submit completed form and attachments to the following address:

Indiana Department of Environmental Management  
Office of Water Quality – Mail Code 65-42  
NPDES Permits Section  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251



**Triad Mining, LLC**

**NPDES N.O.I. Outfall Map**

**Hurricane Creek Mine #S-344 NPDES Permit #ING040189**

Version: Mod. December 13, 2016 Date: 01/15/2010

Prepared By: CBB

Scale: Fit to Paper

004 — Post-Mining Outfall

002 — Deleted Outfall